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LETTER DATED 12 OCTOBER 1999 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

In accordance with paragraph 5 of Security Council resolution 1252 (1999) of 15 July 1999, I should like to inform you of the status of negotiations between the Government of Croatia and the Government of the Federal Republic of Yugoslavia concerning the security issue of Prevlaka.

The bilateral negotiations on the issue of Prevlaka have so far proven futile. The major reason for the lack of any result remains the unfounded and unacceptable pretensions of the Federal Republic of Yugoslavia towards a part of the territory of Croatia, as well as its lack of political willingness to engage in meaningful dialogue on the security arrangements for Prevlaka.

The last round of negotiations was held in Belgrade on 9 March 1999. At that meeting, despite the fact that the question of international borders was not a subject of negotiations, the delegation of Croatia, motivated by a desire to expedite the negotiating process, handed to the delegation of the Federal Republic of Yugoslavia documentation clearly proving where the existing international border between Croatia and the Federal Republic of Yugoslavia lay. The documentation contained, inter alia, a photocopy of the letter and map that had been signed in 1992 by the then-Prime Minister of the Federal Republic of Yugoslavia, Milan Panić, and the Head of the Joint Chiefs of Staff of the Yugoslav Army, General Živadin Panić, and which had also been sent to Cyrus Vance, Special Representative of the Secretary-General, and General Satish Nambiar, Commander of the United Nations Protection Force (see S/1999/783). The map clearly indicated where the existing border between the two States was extended, while the letter confirmed the readiness of the Federal Republic of Yugoslavia to honour the existing borders. Subsequently, the delegation of the Federal Republic of Yugoslavia disputed the authenticity of the signatures of its high officials.

Aware of the importance for the Federal Republic of Yugoslavia of ascertaining the authenticity of the above-mentioned signatures in order to resume negotiations on a security arrangement for the Prevlaka area, the Head of the Croatian delegation proposed in his letter dated 29 July 1999 addressed to the Chairman of the Yugoslav delegation, that the next meeting be held in Zagreb during the month of September 1999. The determination of the date of the next

meeting was left open, pending the reply of the Yugoslav delegation concerning the authenticity of the above-mentioned signatures.

Given that the Federal Republic of Yugoslavia has indicated that it would respect the Opinions of the (Badinter) Arbitration Commission (see S/1999/760, annex) and, in that way, accept that the borders between the former republics have become the international borders of the newly emerged States after the dissolution of the Socialist Federal Republic of Yugoslavia, the above-mentioned letter and map should be sufficient to dispel any reasonable doubt concerning the extension of the border. However, the unusual delay by the Federal Republic of Yugoslavia in verifying the authenticity of the signatures of its former Prime Minister and Head of the Joint Chiefs of Staff suggests that it is deliberately avoiding a reply.

Another practical problem in regard to the scheduling of the next meeting arises from possible objections to the legitimacy of the Yugoslav delegation. As was indicated in previous correspondence between Croatia and the United Nations, the representatives of the Government of Montenegro, one of the two constituent units of the Yugoslav federation, are not represented in the Yugoslav delegation as a result of their support for the opening of border-crossing points at the existing international border between the two States. Although the border-crossing points at Konfin and Debeli Brijeg have been opened upon agreement between Croatia and Montenegro, the Montenegrin authorities continue to be unrepresented in the delegation of the Federal Republic of Yugoslavia since that time. Taking into account that the delimitation at sea has not yet been undertaken, and considering the provisions of the Federal and Montenegrin constitutions on the question of borders, the absence of the Montenegrin representatives from the Yugoslav delegation renders the legitimacy of any outcome doubtful. Additionally, the legacy of the Kosovo crisis upon the federal authorities, when the international community, led by the North Atlantic Treaty Organization, intervened in order to halt ethnic cleansing, has not encouraged the scheduling of formal bilateral meetings.

In my letter of 7 January 1999 addressed to the President of the Security Council (S/1999/19), my Government indicated that the United Nations Mission of Observers in Prevlaka (UNMOP) had been "used by the Federal Republic of Yugoslavia authorities as a mechanism for postponing full reintegration of the last part of Croatian territory following its occupation", and warned that "continuation of the UNMOP mandate without decisive impetus from the Security Council will be pointless". Since such an impetus has not yet been given, and the Federal Republic of Yugoslavia continues to misuse UNMOP for the purpose of indefinitely stalling negotiations; the presence of UNMOP no longer "maintain(s) conditions that are conducive to a negotiated settlement" (Security Council resolution 1147 (1998) of 13 January 1998). In such circumstances, the United Nations resources being expended on UNMOP could certainly be put to better use in peacekeeping operations with much more pressing need.

Given the record of the Federal Republic of Yugoslavia in negotiations, Croatia, as a host country, maintains its right, as a last resort, to unilaterally, in full compliance with its rights and duties under international law, terminate its consent to the mandate of UNMOP. In this respect, I should like to emphasize that Croatia is fully committed to its obligation under

Article 4 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia (A/51/351-S/1996/744, annex). Accordingly, even in that case, Croatia would continue to respect the security regime established during United Nations monitoring until mutual agreement on the issue of Prevlaka is reached between Croatia and the Federal Republic of Yugoslavia.

Croatia reiterates its readiness to continue the bilateral negotiations on the security issue of Prevlaka based on the relevant Security Council resolutions, Articles 1 and 4 of the Agreement on Normalization of Relations and the general principles of international law. Furthermore, Croatia shall continue to work on entrenching stability by promoting the free movement of civilians and other confidence-building measures with the Montenegrin authorities in order to build upon the existing positive trend.

I should like to request your kind assistance in distributing the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative